

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES LEE TEXTER,	:	CIVIL ACTION NO. 1:04-CV-0173
	:	
Plaintiff	:	(CONSOLIDATED)
v.	:	
	:	(Judge Conner)
TODD MERLINA, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 19th day of September, 2006, upon consideration of *pro se* plaintiff's motions for summary judgment (Docs. 92, 95), filed on September 14, 2006, and it appearing that the instant motions were filed after the August 16, 2006 deadline for dispositive motions (see Doc. 75), and that plaintiff did not seek an enlargement of time to file dispositive motions, see FED. R. CIV. P. 6(b)(2) ("[When] an act is required or allowed to be done at or within a specified time, the court for cause shown may . . . upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect . . ."); see also *In re Cendant Corp. Prides Litig.*, 233 F.3d 188, 196 (3d Cir. 2000) (discussing factors to assess in determining excusable neglect), it is hereby

ORDERED that:

1. Plaintiff shall file a response, on or before October 6, 2006, showing cause why the motions for summary judgment (Docs. 92, 95) should not be stricken from the record as untimely. See FED. R. CIV. P. 6(b)(2).
2. Briefing on plaintiff's motions for summary judgment (Docs. 92, 95) is held in ABEYANCE pending resolution of this issue.

3. Failure to file a response showing cause on or before October 6, 2006 will result in the motions for summary judgment (Docs. 92, 95) being stricken from the record.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge